



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, PUNE

APPEAL NO. 351 OF 2025

Sandip Shambhu Arolkar

.....Petitioner

Versus

GCZMA & Ors

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.

1

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority ("GCZMA") i.e., Respondent No 1 herein, having office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

1. The present Appeal is not maintainable either in law or on facts and is liable to be dismissed in limine. The Impugned Order dated 17 April 2025, passed by Respondent No. 1, is a reasoned order issued in strict compliance with the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011, and subsequent notifications, after affording adequate opportunity of hearing to the Appellant.

2. The Respondent No. 1, being a statutory authority, is mandated to protect and conserve the coastal environment and regulate activities in the CRZ areas. The Impugned Order was passed to ensure compliance with environmental laws and to prevent further degradation of the fragile coastal ecosystem.
3. The Appellant has failed to demonstrate any illegality, perversity, or material irregularity in the Impugned Order. The Appellant's claims regarding prior permissions and Mundkarial rights were duly considered by the Respondent No. 1, but were found to be insufficient to legitimize the unauthorized construction falling within the CRZ, which is in violation of CRZ Regulations.
4. The Appellant failed to produce conclusive documentary evidence before the Respondent No. 1 to establish that the construction in question was carried out prior to the CRZ Regulations or that it was legally permissible within the CRZ norms prevalent at the time of construction. The onus was entirely on the Appellant to prove the legality of the structures.
5. The Respondent No. 1 conducted a thorough enquiry, including a site inspection and consideration of the Appellant's reply and supporting documents, as well as the RTI replies, which collectively led to the conclusion that the construction was unauthorized and in violation of CRZ.



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regulations. The appeal is merely an attempt to re-agitate issues already considered and decided.

PARA-WISE REPLY

6. With reference to the introductory paragraphs of the Appeal, the contents thereof are denied save for what is expressly admitted hereinafter. It is denied that the Appellant is aggrieved by a legal and reasoned order passed by the Respondent No. 1.
7. With reference to Paragraph 1 of the Appeal, the contents thereof are a matter of record to the extent that complaints were received from Mr. Nitesh Bhadu Naik and Mr. Pawan Sinha regarding illegal and unauthorized construction.
8. With reference to Paragraph 2 of the Appeal, it is admitted that a Show Cause Notice dated 22 April 2024 was issued after complaints and a site inspection.
9. With reference to Paragraph 3 of the Appeal, it is admitted that the Appellant filed a reply dated 05 September 2024. However, it is specifically denied that the Appellant conclusively established that he was a 'Mundkar' of the house in question *in relation to the unauthorized structures under consideration* or that any such status provides immunity from the CRZ Notification. It is further denied that the construction license issued by the Panchayat or house tax receipts prior to 1991 automatically legalize structures constructed in violation



of CRZ regulations. All documents submitted by the Appellant were duly considered and examined in light of the CRZ Regulations.

10. With reference to Paragraph 4 of the Appeal, it is admitted that the Appellant filed copies of Mundkarial proceedings. However, it is denied that these proceedings are determinative of the legality or compliance of the subject construction with CRZ regulations.



11. With reference to Paragraph 5 of the Appeal, the Respondent No. 1 denies any knowledge of the Appellant changing his advocate or inadvertently omitting to file a plan. The responsibility for submitting all relevant and necessary documents rested solely with the Appellant, and any omission in this regard cannot be attributed to the Respondent No. 1.

12. With reference to Paragraph 6 of the Appeal, it is stated that a copy of a reconstruction permission dated 19 November 1986 was submitted. However, it is denied that this document conclusively legalizes the specific unauthorized construction identified during the site inspection, especially if such construction exceeds the scope of the alleged permission or falls within a prohibited zone as per the prevailing CRZ norms.

13. With reference to Paragraph 7 of the Appeal, it is stated that a copy of an application dated 19 August 1986 seeking

reconstruction license was submitted. Its contents are a matter of record but do not in themselves legalize the illegal construction.

14. With reference to Paragraph 8 of the Appeal, it is stated that a copy of an Occupancy Certificate dated 14 October 1987 was submitted. However, it is denied that this certificate, if genuine, covers the specific unauthorized structures identified in the Show Cause Notice, or that it overrides the stringent provisions of the CRZ Regulations.

15. With reference to Paragraph 9 of the Appeal, it is vehemently denied that the Respondent No. 1 merely relied on RTI replies without enquiring with the Village Panchayat. The Respondent No. 1 considered all documents submitted by the Appellant. The RTI replies were from the Village Panchayat itself, indicating a lack of records or issues with the authenticity/applicability of the documents submitted by the Appellant concerning the specific illegal construction within the CRZ. The Impugned Order is not arbitrary, capricious, or unreasoned; it is based on a comprehensive assessment of facts, site inspection, and documentary evidence.

16. With reference to Paragraph 10 of the Appeal, it is denied that the Respondent No. 1 passed the Impugned Order without delving into the reasoning and veracity of the documents. The order was passed after due consideration and is a reasoned decision, as is evident from the order itself.



17. With reference to Ground I of the Appeal, it is denied that the Impugned Order is illegal, arbitrary, or unsustainable in law. The order is fully compliant with statutory provisions and judicial precedents.
18. With reference to Ground II of the Appeal, it is denied that the Impugned Order is capricious or bereft of reasoning. The order contains detailed findings based on the material on record and is not an error apparent on the face of the record.
19. With reference to Ground III of the Appeal, it is denied that the Impugned Order is contrary to settled principles of judicial appreciation of documents. The Respondent No. 1 did consider the documents but found them insufficient or not applicable to legalize the offending structures in a CRZ. The Respondent No. 1 is a regulatory body with a mandate to enforce CRZ Regulations, and its primary duty is to protect the environment. The argument that further enquiry with the Panchayat was required is baseless, especially when the Appellant failed to provide conclusive proof, and the Panchayat's own RTI replies negated the Appellant's claims.
20. With reference to Ground IV of the Appeal, it is denied that the Respondent No. 1 did not give any finding on the reply. The order explicitly addresses the submissions made. The RTI responses were not merely stated to negate; the lack of corroborating records from the Panchayat itself, as revealed

by the RTI, served as a basis for questioning the authenticity and applicability of the Appellant's documents for the illegal construction within the CRZ.

21. With reference to Ground V of the Appeal, it is denied that the Respondent No. 1 failed to adhere to house receipts or appreciate Panchayat permissions. All documents were considered. However, the Respondent No. 1 found that these documents, even if genuine for some structure, did not definitively establish the legality of the specific unauthorized construction identified in the CRZ, nor did they override the paramount environmental regulations. The Respondent No. 1's decision was based on a holistic assessment, not a mere dismissal, and its reliance on RTI replies stemmed from the need for official verification.

22. With reference to Ground VI of the Appeal, it is denied that Respondent No. 1 failed to verify the factual position in relation to the resolution book by notifying the Panchayat or verifying the status of the same. It is denied that the Respondent No. 1 has failed to address and reason its decision as to on what basis the official permission or that the documents placed have been brushed aside without any reasonable discussion.

23. With reference to Ground VII of the Appeal, it is denied that Respondent No.1 was required to call upon the office of Panchayat to secure its records and proceedings. The



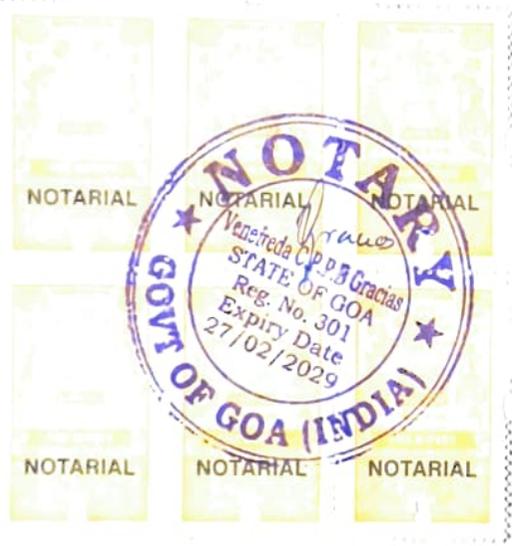
28. In view of the aforesaid facts and circumstances, the Respondent No. 1 prays that no reliefs as sought by the Appellant ought to be granted and the above Appeal be dismissed.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 27.10.2025

DEPONENT



Solemnly affirmed before me
Sachin S. Desai
who is identified before me by
Shri/Smt
..... At Panjim - Goa
Sr. No, 147/10/2025
Dated. 27/10/2025

Gracias
Veneranda C.P.P.B. Gracias
Advocate & Notary Goa State